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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/940,635

08/29/2001

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5599

7590 07/27/2007
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EXAMINER

NOBAHAR, ABDULHAKIM

ART UNIT	PAPER NUMBER
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2132

MAIL DATE	DELIVERY MODE
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07/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/940,635

Applicant(s)

ASGHARI-KAMRANI ET AL.

Examiner

Abdulahakim Nobahar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,4,9-12 and 14-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,4,9-12 and 14-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to applicants' response filed on /2007.
2. Claims 2, 4, 9-12 and 14-20 are pending.
3. Claims 1, 3, 5-8 and 13 are cancelled.
3. Claims 2, 4, 9-12, 14-17 and 19 are amended.

Response to Arguments

Applicants' arguments with respect to claims 15, 16 and 17 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

Claims 11 is objected to because of the following informalities: The claim in line 2 recites "their digital entity", which should be changed to "the digital entity".

Claims 15 is objected to because of the following informalities: The claim limitations recites the word user with first capital letter. It is suggested that "User" to be changed to "user".

Claims 16 and 17 are objected to because of the following informalities: The claims limitations start with word that their first letter is capital. Except for the preambles of the claims all the limitations of the claims should start with words containing no capital letters.

Claim 15 is objected to because of the following informalities:

The preamble recites: "for positively identifying an individual", which should be changed to "for authenticating a user" to become consistent with the claim limitations.

The first limitation should change to recite "the user that needs..."

Claim 16 is objected to because of the following informalities: The claim recite "time dependable SecureCode", which should be changed to "time dependent SecureCode".

Claims 16 and 17 are objected to because of the following informalities: The first limitations of the claims recite "a user", which should be changed to "the user".

Claim 17 is objected to because of the following informalities: The claim's preamble recites "for positively identifying a user", which should be changed to "for authenticating a user".

Claim 17 is objected to because of the following informalities: The claim in line 8 recites "their unique username and password", which should be changed to "the unique username and password".

Claim 17 is objected to because of the following informalities: The claim in line 13 recites "their digital entity", which should be changed to "the digital entity."

Claim 17 is objected to because of the following informalities: The claim contains both "Password" and "password". The claim should be amended to contain only "Password" in order to be consistent.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 14, 15 and 16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 14 recite "included the External-Entity positively identifying the user by submitting the digital identity to the financial institution for approval". The specification does not describe anywhere that the External -Entity submits the user's digital identity to a financial institution for approval.

Claims 15 and 16 recite "wherein the User does not require use of software received from the Central-Entity, or a personal identity card to employ digital identity." The specification does not provide any description to indicate that the user receives software from the Central-Entity and does not need to use it in order to employ his digital entity. Furthermore, the specification is quiet about the use or not use of a personal identity card by the user for the purpose of utilizing his digital entity in the process of authentication.

Claims 15, 16 and 17 recite "wherein the Central-Entity corresponds to a financial institution, and the User receives the digital identity from the financial institution; and wherein the financial institution is a bank." The specification does not describe anywhere that the Central-Entity corresponds to a financial institution or the financial institution is a bank.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 15, 16 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 15 recites "a user that needs to be identified in e-commerce" while the rest of the claim limitations are about components of a system functioning to authenticate a

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user which makes the claim indefinite. Thus, the claim should be amended to recite "a user that needs to be authenticated in e-commerce."

Claim 15 recites "personal identity card" which is unclear whether the card is a physical identity card or an electronic identity card.

Claim 16 recites the limitation "the system" in line 22. There is insufficient antecedent basis for this limitation in the claim.

Claim 16 recites the limitation "the user submits a combination of his username and securecode as part of the digital identity" while another limitation of this claim recites "the user is not required to use software" which makes the claim indefinite. Because it is not clear that how the user can make a combination of his username and the securecode to come up with a digital identity without using software.

Claim 17 recites "digital identity positively authenticating the user's identity based on the digital identity". It is not clear how the External-Entity can authenticate the user while it does not have a copy the original digital identity. If it is assumed that the External-Entity is capable of authenticating the user, then there is a need for a limitation in the claim to indicate that the Central-Entity also provides a copy of the digital entity to the External-Entity.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 4, 9-12 and 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berg et al [2002/0188481 A1; hereinafter Berg] in view of Johnson [6,529,885 B1].

1. Regarding claim 15, Berg discloses a method for identifying an individual over a communication network (see, for example, abstract) comprising:

a User that needs to be identified in e-commerce (see, for example, [0011]);

a Central-Entity that provides digital identity, including a dynamic, non-predictable and time dependent SecureCode, to the Users to positively identify themselves in e-commerce (see, for example, [0007], where the JV Authority corresponds to the recited central-entity that assigns to the user a unique identifier and the unique identifier which can be a roaming security credential, a roaming unique identifier or a roaming digital certificate; [0008]; [0015]; [0018]; [0040]; [0064], where the unique identifier can be single use, time-based or marketplace only in nature which makes it dynamic and non-predictable);

an external-entity offering goods or services and needs to authenticate the users in e-commerce (see, for example, [0027]; [0032]; [0034]);

a communication network for the User, the central-entity and the external-entity to send and receive information between each other (see, for example, Fig.2; [0051]).

whereby the External-Entity forwards digital identity received from the User to the Central-Entity for authenticating the User's identity (see, for example, [0011]; [0016]; [0067]-[0068]); and

wherein the User does not require use of software received from the Central-Entity or a personal identity card to employ digital identity (see, for example, [0027]-[0029]; [0051]; [0067]-[0068], where there is no indication of software or a card used by the user).

Berg does not explicitly disclose that the user receives the digital identity from a financial institution such as a bank.

Johnson, however, discloses an e-commerce system for secure online financial transaction by a web buyer (see, for example, col. 4, lines 33-50). Johnson further discloses that a unique ID is assigned to the web buyer by a financial institution such as a bank (i.e., web buyer's home bank) (see, for example, Fig. 1A, block S12A; col. 5, lines 15-25; col. 8, lines 53-64). The web buyer provides the ID to a web seller for online transaction of a purchase request (Fig. 2, block S23) and the web seller forward the ID to the web buyer's home bank to authenticate the web buyer (see Fig. 2, block S24).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to deploy a bank to assign an ID to an online buyer and authenticate the online buyer based on the ID as taught in Johnson in the system of

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Berg because it would make the banks an integral and central part of e-commerce transactions (see Johnson, col. 3, lines 1-8).

2. Regarding claim 2, Berg discloses a digital identity includes a combination of the SecureCode and user-specific information (see, for example, [0037]).

3. Regarding claim 4, Berg discloses a communication network includes Internet, wireless and private networks (see, for example, [0010]; [0034]; [0063]).

4. Regarding claims 16 and 17, these claims are rejected as applied to the like elements of claims 1, 2 and 4 as stated above and further the following:

Berg discloses a system and a method for identifying and authenticating a user (see, for example, abstract) comprising the steps:

The user registers at the Central-Entity (see, for example, [0063]);

The user creating an account with a trusted Central-Entity, the-Central-Entity providing the user with a unique Username and Password (see, for example, [0007]; [0018]; [0037]; [0055]; [0065]);

The user provides his personal and/or financial information to the Central-Entity (see, for example, [0006]; [0055]; [0063]);

The user receives his unique Username and Password from the Central-Entity (see, for example, [0018]; [0063]);

The user attempts to get access to a restricted web site or to buy goods and/or services from an External-Entity (see, for example, [0011]; [0051]);

The user submits his SecureCode as part of the digital identity in response to External-Entity's request (see, for example, [0007]; [0011]; [0015]; [0018]; [0051]);

The user request a SecureCode from the Central-Entity (see, for example, [0007], where the Registration Authority request a unique identifier for the user from a Central Issuing Authority);

The External-Entity forwards the user's digital identity along with the identification and authentication request to the Central-Entity over a communication network [Note: this limitation is assumed to be the same as "The External-Entity positively authenticating the user's identity based on the digital identity"] (see, for example, [0007]; [0065]; [0067]-[0068]);

The Central-Entity retrieves the user's digital identity including the SecureCode from the system (see, for example, [0015]; [0054]-[0055]);

The Central-Entity compares the retrieved users digital identity with the digital identity received from the External-Entity (see, for example, [0011]; [0015]; [0051]; [0064]-[0065]);

The Central-Entity sends approval identification and authorization message to the External-Entity when the digital identity forwarded to the Central-Entity, matches the users digital identity retrieved from the system (see, for example, [0065]; [0067]-[0068]);

The Central-Entity sends a denial identification and authorization message to the External-Entity when the digital identity forwarded to the Central-Entity does not match the users digital identity retrieved from the system (see, for example, [0067]-[0068]).

Berg does not explicitly disclose that the user receives the digital identity from a financial institution such as a bank.

Johnson, however, discloses an e-commerce system for secure online financial transaction by a web buyer (see, for example, col. 4, lines 33-50). Johnson further discloses that a unique ID is assigned to the web buyer by a financial institution such as a bank (i.e., web buyer's home bank) (see, for example, Fig. 1A, block S12A; col. 5, lines 15-25; col. 8, lines 53-64). The web buyer provides the ID to a web seller for online transaction of a purchase request (Fig. 2, block S23) and the web seller forward the ID to the web buyer's home bank to authenticate the web buyer (see Fig. 2, block S24).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to deploy a bank to assign an ID to an online buyer and authenticate the online buyer based on the ID as taught in Johnson in the system of Berg because it would make the banks an integral and central part of e-commerce transactions (see Johnson, col. 3, lines 1-8).

5. Regarding claim 9, Berg discloses:

wherein the digital identity includes a combination of the SecureCode and UserName (see, for example, [0037]).

6. Regarding claims 10 and 11, Berg discloses:

The method according to claim 17, further including the user submitting their digital identity to the External-Entity for positive identification, access to a restricted web site and payment (see, for example, [0005]; [0012]; [0034]; [0036]).

7. Regarding claims 12 and 14, Berg discloses:

The method according to claim 17, further including the External-Entity positively identifying the user by submitting the digital identity to the Central-Entity for approval (see paragraph [0007]-[0008]).

8. Regarding claims 18-20, Berg discloses:

The method of claim 2, where the unique UserName includes an identification phrase (see paragraph [0006]; [0037]; [0064]).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent Application Pub. No. 2002/0055909 A1 to Fung et al.

US Patent Application Pub. No. 2002/0077978 A1 to O'Leary et al.

US Patent No. 6,895,394 B1 to Kremer et al.

US Patent Application Pub. No. 2002/0174062 A1 to Sines et al.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdulhakim Nobahar whose telephone number is 571-272-3808. The examiner can normally be reached on M-T 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Abdulhakim Nobahar
Examiner
Art Unit 2132 *A.N.*

July 11, 2007

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